

REMARKS

Claims 10-25 are now pending in the application. By this paper, Claims 10-22 have been amended, Claims 23-25 have been added, and Claims 1-9 have been cancelled without prejudice or disclaimer of the subject matter contained therein. The basis for these amendments and new claims can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

ELECTION/RESTRICTIONS

Applicants affirm the election of Claims 9-22 (Group II) made during a telephone interview on 26 July 2005.

CLAIM OBJECTIONS

Applicants have amended Claims 11-14 and 17-21 as required by the Examiner and respectfully submit that Claims 11-14 and 17-21 are in condition for allowance.

REJECTION UNDER 35 U.S.C. § 102

Claims 9-12, 15-18, 21, and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Miyashita et al. (U.S. Pat. No. 4,641,884). This rejection is respectfully traversed.

At the outset, Applicants respectfully submit that this rejection is moot with respect to Claim 9, as Claim 9 has been cancelled without prejudice. Because Claims 12 and 15 depend from Claim 9, Applicants respectfully submit that the rejection of Claims 12 and 15 is similarly moot. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

With respect to Claims 16, 17, 18, 21, and 22, Applicants assert that Miyashita fails to teach a headrest assembly having an adjustment mechanism. Miyashita teaches an adjustment mechanism disposed within a *seatback* of a vehicle seat that controls operation of an upper portion of the vehicle seat. Furthermore, Applicants note that the adjustment mechanism of Miyashita fails to teach a first housing having a cross-member in selective engagement with a locking mechanism to prevent rotation of a second housing relative thereto.

Miyashita fails to teach providing an adjustment mechanism including a first housing and a second housing disposed within a *headrest*. Rather, Miyashita teaches a vehicle seat (1) having a reclining device (4) and first and second adjusting mechanisms (5, 6). See Miyashita at Col. 2, Ins. 65-68, Col. 3, Ins. 1-30, and FIGS. 1 and 3. The second adjusting mechanism is disposed within a seatback of the vehicle seat to control an angular position of an upper portion (3c) of the vehicle seat. See FIGS. 1 and 2a.

The Examiner contends that Miyashita teaches a cross-member (hinge pin (46)) that is fixedly attached to the housing and is in selective engagement with a lock member (44, 46). Applicants respectfully disagree. The adjustment mechanism of Miyashita includes a housing (42), a gear (44), and an arm (43) rotatably supported by a hinge pin (46). See Miyashita at Col. 8, Ins. 29-44 and FIG. 7. A lock gear (48)

selectively engages gear (44) to prevent rotation of the arm relative to the housing 42. See Miyashita at Col. 8, Ins. 29-44. When the lock gear (48) is engaged with gear (44), the arm is prevented from rotating relative to the housing and when the lock gear is disengaged from the gear, the arm is permitted to rotate relative to the housing. The lock gear does not engage a cross-member of the housing. Rotation of the arm, relative to the housing, is controlled by the position of the lock gear.

Because Miyashita fails to teach a *headrest* having an adjustment mechanism, and further, because Miyashita fails to teach an adjustment mechanism that selectively engages a cross-member of a first housing to selectively prevent rotation of a second housing, Applicants respectfully submit that Miyashita fails to teach each and every element of the present invention. Accordingly, Applicants respectfully submit that Claims 16, 17, 18, 21, and 22 are in condition for allowance. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 9 and 13-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dixon (U.S. Pat. No. 5,507,556). This rejection is respectfully traversed.

Applicants respectfully submit that this rejection is moot with respect to Claim 9, as Claim 9 has been cancelled without prejudice. Because Claims 13-15 presently depend from Claim 23, Applicants respectfully submit that the rejection of Claims 13-15 is similarly moot. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 13, 14, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyashita et al. in view of Robinson (U.S. Pat. No. 5,681,079). This rejection is respectfully traversed.

At the outset, Applicants respectfully submit that this rejection is moot with respect to Claims 13 and 14, as independent Claim 9 has been cancelled without prejudice and Claims 13 and 14 presently depend from Claim 23. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Independent Claim 16 is believed to be in condition for allowance in light of the remarks contained above. Because Claims 19 and 20 depend from independent Claim 16, dependent Claims 19 and 20 should similarly be in a condition for allowance for at least the same reasons. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

NEW CLAIMS

New Claims 23-25 are added for consideration. In light of the foregoing, Applicants respectfully submit that independent Claim 23, as well as Claims 10-15 and 24-25, dependent therefrom, are in condition for allowance.

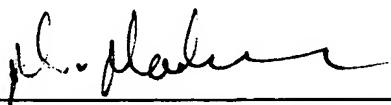
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is

believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: Nov. 9, 2005

By: 
Michael Malinzak, Reg. No. 43,770
Matthew Szalach, Reg. No. 53,665

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MM/MHS/pal